

The background of the entire page is a close-up, slightly blurred image of the United States flag, showing the stars and stripes in a draped, wavy pattern.

ILLINOIS NATIONAL GUARD


TPP 904-11 Benefits and Entitlements While on Active Duty

SUPERVISOR'S HANDBOOK

This supersedes Technician Personnel Plan 904, dated 1 October 1996.

Users of this publication are invited to send comments and suggested improvements, through command channels, to The Adjutant General of Illinois, ATTN: HRO, 1301 N. MacArthur Blvd, Springfield, Illinois 62702-2399

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**1-1 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT
(USERRA) :**

a. When entering active duty, the Uniformed Services Employment and Reemployment Rights Act states that a technician has the right to be restored to technician status after separation from active duty as described below provided he or she is honorably discharged, served no more than five cumulative years and returned within the required time frame following release from active duty. Failure to return to technician duty within the time limits may lead to removal for abandonment of position.

b. The time limits for return are based on the length of military service as follows:

<u>Length of military service</u>	<u>Time limit for return</u>
More than 180 days	Within 90 days of release from Active Duty
More than 30, but less than 181 days	Within 14 days of release from Active Duty
Less than 31 days	First full regular work day

c. The limit of five cumulative years of absence for service in the uniformed services may not be exceeded except that any such period of service shall not include any service:

(1) That is required, beyond five years, to complete an initial period of obligated service, during which the technician is unable to obtain orders releasing them from service through no fault of their own;

(a) Performed as a training requirement under 32 USC 502 (a), 32 USC 503, and under 10 USC 270 (a) (b) (c) or 10147 and 10148;

(b) Performed as active duty under 10 USC 672 (a) (g), 10 USC 673, 673 (b), 673 (c), 688 or 12301 (a) (g), 12302, 12304 and 12305.

(2) Technicians have the following rights regarding restoration to a technician position.

(a) If the length of military service is less than 91 days, the technician will be placed in a position for which they qualify and would have attained if not for the interruption by military service.

(b) After military service of more than 90 days, the technician will be placed in the above type position or one of like seniority, status and pay.

(3) If a service-connected disability prevents you from qualifying for a position the technician would have obtained had they remained in the work force or one of like status, seniority and pay, the technician may be placed in a position that is closest to the status, seniority and pay of the position they would have obtained.

(4) Upon entrance on active duty (if entire period of military duty is not covered by paid leave) the technician must be placed in a Military Leave Without Pay Status unless electing to be separated. If electing to be separated, the same return rights and benefits as if you were in a LWOP status would apply.

1-2 LEAVE: Technicians are entitled to be paid for accrued and accumulated leave prior to separation or LWOP status. If electing LWOP, the technician must indicate on DMAIL Form 32, Request for Leave of Absence for Military Duty, if electing to use paid leave prior to entrance on military duty.

1-3 ANNUAL LEAVE: Technicians who enter into active duty for less than one year may choose to have their annual leave remain to their credit until they return to technician duty, or request the use of accrued and accumulated annual leave. Active Duty for one year or more: If a technician's military orders indicate that they will be on active duty for more than one year (example: technician accepting an AGR tour), any unused annual leave must be paid in a lump sum payment or the technician may elect to have their annual leave left to their credit.

1-4 MILITARY LEAVE (120 hrs): When a technician is ordered to a tour of Active or Inactive Duty, they may take any available military leave under the 15 day/120 hour entitlement. Intervening non-work days, weekends and holidays falling between the beginning and ending of military duty are not chargeable to leave. Technicians are not required to change their work schedules from compressed to the eight hour day upon entry to military duty.

1-5 ADDITIONAL FORTY-FOUR (44) WORKDAYS OF MILITARY LEAVE: The additional 44 work days (352 hours) of Military Leave is only authorized for the purpose of performing military duty in non combat or combat operations outside the United States, its territories and possessions (other than active duty during war or national emergency declared by the President or Congress) under the provisions of 10 USC 12301 (b) or 10 USC 12301 (d). Once a war or national emergency is declared by the President or Congress, the 44 work days of Military Leave may not be used. The use of the 44 days is prohibited once a war or national emergency is declared, even if the active duty being performed is not in support of the war or national emergency. Technicians using the 44 workdays of Military Leave will be placed on active duty without pay status (orders must reflect active duty without pay). Pay during this category of leave will be normal technician pay. There is no requirement to convert technicians on a compressed work schedule to an eight-hour work schedule. To request this type of leave, a technician must use an OPM 71.

1-6 LAW ENFORCEMENT LEAVE: There are two conditions under which employees are entitled to an additional 22 days (176 hours) of Military Leave under provisions of 5 USC 6323(b).

a. National Guard members who perform military duty in support of civil authorities in the protection of life and property are eligible for an additional 22 workdays (176 hours) of military leave.

b. Effective 24 November 2003, technicians who perform full-time active duty in support of a contingency operation (i.e. Operation Enduring Freedom, Operation Iraqi Freedom, Operation Nobel Eagle, etc) are entitled to 22 days (176 hours) of military leave under the Law Enforcement Leave Provisions.

c. Leave credited under LEL is 22 workdays or 176 hours in a calendar year. Leave is credited at the beginning of each calendar year. LEL is converted into hours and charged in one hour increments. Leave is not charged on holidays and non-workdays.

d. LEL does not allow for full compensation of technician pay, and military pay and allowances (other than travel, transportation or per diem allowance) will be credited against civilian pay. If military pay is less than technician pay, the technician is entitled to the difference. No technician pay is authorized if military pay is greater.

1-7 COMPENSATORY TIME: Compensatory time may be used when performing military duty. (Note: compensatory time expires 26 pay periods after it is earned).

1-8 TIME OFF AWARD: Time off awarded from a Time-Off Award may be used when performing military duty. (Note: Time Off Awards expire one year after effective date of award).

1-9 LEAVE USAGE WHILE ON MILITARY DUTY: If a technician elects to use paid leave in combination with leave without pay to cover an absence from their technician position to perform military duty, the technician has two options as listed below. Benefits and entitlements may vary dependent upon the option the technician selects. (Reminder: Technicians entering active duty for one year or more (other than for contingency operations) must either elect a lump sum payment of annual leave or they may elect to have their leave left to their credit until returning from active duty).

a. The technician may elect to use any paid leave first, followed by any leave without pay.

(1) Leave Accrual. Annual and sick leave will accrue (at regular rate) for the period in a paid leave status and once LWOP begins; leave accrual is computed on a pro-rated basis on the first and last pay period of a Military LWOP period. No leave will accrue during pay periods where LWOP reaches 80 hours.

(2) If any period of the military duty is not covered by paid leave, the technician must complete a DMAIL 32, Request for Leave of Absence for Military Duty, and forward to HRO along with a copy of the military orders.

b. The technician may elect to intermittently use paid leave and LWOP (go back and forth between a paid status and non pay status).

(1) No leave will accrue for the entire period of absence for military duty (even for periods in a paid leave status).

(2) When a technician enters LWOP, no retirement deductions are subtracted from pay (CSRS or FERS). The technician must make a deposit at that time to avoid a loss in time for retirement purposes. The intermittent use of leave further complicates this because a technician only owes a deposit for the time in a LWOP status. Each period of LWOP would have to be computed and paid separately, which results in higher probability for errors.

(3) The National Defense Authorization Act, which allows agencies to pay the employees share of FEHB premiums while the employee is on LWOP for active duty contingency operations (see pg. 6), will not apply if the technician is in a paid status for any portion of the pay period.

(4) If a technician elects to intermittently use paid leave and LWOP, he or she must complete a DMAIL form 32 and an OPM 71. The technician must put the following statement in Section I of the DMAIL FORM 32, "intermittent use of leave," (instead of documenting dates and hours of leave) and attach a copy of the OPM 71.

1-10 RETIREMENT BENEFITS: A technician who is placed on LWOP while performing active military duty continues to be covered by the retirement law, i.e., CSRS or FERS.

a. Death and disability benefits under civilian retirement rules would apply as if the technician continued in their civilian position.

b. If the technician becomes disabled for his or her civilian position during LWOP and has the minimum amount of civilian service necessary for disability benefits (five years for CSRS, 18 months for FERS), the technician may be entitled to disability benefits under the retirement law.

1-11 MILITARY BUYBACK/DEPOSIT: Upon restoration to the civilian position, the technician must make a deposit for the military service in order to avoid a loss in time towards retirement. For CSRS, the deposit would equal the lesser of seven percent of the military basic pay or seven percent of the civilian pay. For FERS, the deposit would equal the lesser of three percent of the military basic pay or eight percent of the civilian pay. If the military deposit is paid before the interest accrual date (within three years of returning to a covered position), no interest is charged on the military deposit. If no deposit is made, the period of military service will not be creditable towards retirement. This applies whether the employee is CSRS or FERS.

a. Instructions for military buyback or deposit: Complete RI 20-97, Estimated Earnings During Military Service (Attachment 1), and attach a copy of your DD214 (or orders, along with leave and earnings statements for that period if DD 214 not issued) and submit to your local pay office. If your local pay office cannot retrieve the requested information, send to the address on the back of the form.

b. After receipt, submit earnings to DMAIL-HRO-TP for a computation of cost to buyback or make a deposit on the time of military service. HRO returns completed computation to employee along

with additional paperwork required if employee elects to make the deposit. Employee returns completed paperwork to DMAIL-HRO-TP along with all attachments requested. (Employee may elect to make payroll deducted payments or one lump sum payment).

c. Upon completion of payment of the deposit, DFAS will provide employee with a "Paid in Full" statement. Employee must provide a copy of this statement to HRO (for placement in the employee's Official Personnel Folder, OPF, to receive full retirement credit).

1-12 THRIFT SAVINGS PLAN (TSP) RETROACTIVE CONTRIBUTIONS:

a. No contributions can be made to the TSP while on LWOP or separated from the technician position. However, if the technician is restored to their technician position (returned to duty), retroactive contributions and TSP elections may be made to cover that period of service. If you are contributing to the Uniformed Services TSP, the amount of retroactive civilian contributions you may make will be reduced by your contributions made as a uniformed services member. The makeup agency matching contributions to which a FERS employee is entitled will be based on both the contributions made as deductions from basic pay to the uniformed services account and retroactive/makeup contributions being made to the civilian account.

b. When entering active duty, if a technician wishes to withdraw his or her civilian TSP contributions or roll them over to the uniformed services TSP, the technician must elect separation from technician service.

1-13 TSP LOAN:

a. Loan payments may only be made through payroll deduction; therefore, a period without pay will result in missed payments. When entering into a period of LWOP, HRO will send Form TSP-41, Notification to TSP of Non-Pay Status, to the TSP Service Office. This will put a hold on a TSP loan while a technician is LWOP for military duty. Loan payments will resume when the technician returns to duty (a pay status).

b. Once the technician returns to duty payments will resume. If the period of LWOP would extend the loan past the regulatory time limits, the loan will be reamortized.

1-14 FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB)

a. FEHB for active duty other than contingency operations and contingency operations less than 30 days:

(1) Technicians who are covered by the Federal Employees Health Benefits Program (FEHB) and are placed in a LWOP status to perform military service, may elect to cancel FEHB coverage upon entrance on Active Duty (coverage will be resumed when returned to technician status) or elect to be covered by FEHB for up to 18 months. This election must be completed on the DMAIL FORM 32, Request for Leave of Absence for Military Duty. If the technician elects to continue FEHB, he or she is responsible for paying the employee share of the premiums

for the first 12 months and 102% (both technician and government shares with a two percent administrative fee) for the final six months of continued coverage. For the first 365 days of non pay status, technicians may pay their bi-weekly share currently (direct payment to DFAS) or incur a debt to be paid upon return to duty. After 365 days, premiums must be paid currently.

(2) FEHB for Technicians Supporting Contingency Operations: Section 519 of Public Law 107-107 provides that, for a period not to exceed 18 months, the agency may pay both the technician's and government share of FEHB premiums for technicians called to active duty in support of contingency operations. In order to receive this benefit, the technician must:

- (a) Be enrolled in an FEHB plan
- (b) Be called or ordered to active duty in support of a "contingency operation" (Operation Enduring Freedom, Operation Noble Eagle, etc). For more specific guidance on the definition of "contingency operation", contact the Human Resources Office.
- (c) Be placed on LWOP-US for the entire pay period.
- (d) Serve on active duty in support of a contingency operation for a period of more than 30 consecutive days.

(3) When a technician returns to technician duty after serving on active duty in support of a contingency operation, the Leave and Earnings Statement may reflect a debt for FEHB premiums owed. The employee must submit a copy of his or her military orders and DD 214 (if issued) to the Human Resources Office. The HRO will determine eligibility for the FEHB benefits and coordinate reconciliation of the debt with the DFAS.

(4) Provisional Tricare. Technicians that elect to cancel their FEHB upon entrance on active duty orders are allowed "Provisional Tricare" after the end of their FEHB until the end of the provisional tricare.

1-15 FEDERAL EMPLOYEES GROUP LIFE INSURANCE (FEGLI):

a. Technicians placed in a LWOP status to perform military duty may keep their Federal Employees Group Life Insurance (FEGLI) coverage for up to 12 months. This coverage is free. At the end of 12 months in a non-pay status, the coverage terminates. At that time, the technician will receive a 31-day extension of coverage and have the right to convert to a non-group policy.

b. If a technician with FEGLI is called up to active duty and is killed, death benefits are payable to the technician's beneficiaries. Accidental death and dismemberment benefits are also payable under Basic Insurance (and Option A, if technician was covered) unless the technician was in actual combat at the time. Even if accidental death benefits are not payable, regular death benefits are payable.

c. If a technician elects to separate upon entering active military duty, the FEGLI terminates on the date of separation.

However, a 31-day extension of coverage is granted to allow conversion to a non-group policy.

1-16 NGAUS INSURANCE: NGAUS is a Non-Federal Insurance Deduction. NGAUS is private life and/or disability insurance. Upon entrance on LWOP or separation to perform active duty, a technician must complete an NG76, election to terminate payroll deduction and pay by direct bill. While on active duty, there is no coverage for the disability insurance. Premiums for disability should terminate upon entrance on active duty (this may be accomplished by completing an NG 76). Upon return from active duty, the technician is responsible for contacting NGAUS for reinstatement of disability coverage. Life insurance coverage continues while on LWOP for active duty yet the technician must complete an NG 76 for direct billing. Please contact the Human Resources Office for general procedure questions such as completing the NG-76. Specific coverage and claims questions should be directed to NGAUS insurance at 1 (888) 642-8748.

1-17 EFFECTS OF MILITARY LWOP ON FEDERAL LONG TERM CARE INSURANCE PROGRAM AND FLEXIBLE SPENDING ACCOUNTS:

a. Federal Long Term Care Insurance Program. As with any allotment that is automatically deducted from your pay, once in a LWOP status, you must make arrangements to have those payments made through alternate means. It is recommended that you contact the Federal Long Term Care Insurance Program at 1(800) LTC-FEDS/1 (800)582-3337 to arrange payment during your period of LWOP to perform military service. Failure to make your FLTC premiums may result in loss of coverage.

b. Flexible Spending Accounts (FSA). The Federal FSA program is a tax-saving plan governed by rules of Section 125 of The Internal Revenue Code. An important rule for Section 124 plans is that your election to participate in a Health Care Flexible Spending Account (HCFSA) and Dependent Care Flexible Spending Account (DCFSA) cannot be changed during the Plan Year unless you or your dependents experience a Qualified Status Change. A period of LWOP itself is not considered a Qualified Status Change unless it is due to military deployment DURING the LWOP Period:

(1) Cancel coverage as of the start of the LWOP. Allowable expenses incurred during leave will not be eligible for reimbursement under the plan; or

(2) Continue coverage during leave period. Allowable expenses incurred during leave will be eligible for reimbursement. If this option is elected, the account must be funded in one of the following ways:

(a) Prepay allotments. Deductions may be accelerated prior to the period of LWOP. Allowable expenses incurred during leave are eligible for reimbursement.

(b) The account may be frozen and payroll deductions recalculated upon return from leave.

(c) Pay the allotment directly on an after-tax basis.

The Human Resources Office is not authorized to administer the program or make eligibility/coverage determinations. Please contact the FSAFEDS Program at 1 (877)-FSAFEDS/372-3337 for additional guidance and coverage/eligibility determinations. It is recommended that technicians contact the FSA Program ASAP to insure adequate time to make the necessary changes to their FSA prior to entrance on active duty.

1-18 APPLICATION PROCESS WHILE MOBILIZED:

a. As specified under paragraph 3-6 d, Technician Personnel Plan 335, technicians whose absence may preclude them from having knowledge of, or applying for, technician vacancies may request that during their absence, applications/resumes be submitted for them for certain types of positions in the event they are announced during their absence.

b. Mobilized technicians, or technicians who are being mobilized, may submit a request for this service, along with a legible application/resume, to the HRO. The request must have the technician's original signature and contain the following items:

(1) The title(s) of the technician position(s) for which the technician would like to be considered.

(2) The full performance level grade of the technician position(s) for which consideration is desired (full performance level grade is the actual grade of a position; e.g., a position is advertised as WG-05, WG-08, WG-10-the full performance level grade is WG-10).

(3) The unit or activity of the technician position(s) for which consideration is desired (i.e., OMS #14, USPFO or 3637th Maint Co.)

(4) The time period that the technician is expected to be absent due to mobilization.

c. Since different technician positions have different qualification requirements, a technician may submit a separate application/resume, along with a separate request, explaining their experience/education, which corresponds to the qualification requirements. Copies of college transcripts as attachments will be accepted and may be helpful in meeting the qualification requirements.

1-19 ADMINISTRATIVE REQUIREMENTS:

a. LWOP: When a technician enters on military duty and any period of the military duty will not be covered by paid leave, or if the technician elects to cancel FEHB, a DMAIL FORM 32 must be completed and forwarded to HRO along with a copy of the active duty orders. This must be accomplished and received by HRO PRIOR to the technician entering on military duty.

b. Separation: If the technician elects separation upon entrance on active duty, an SF 52 must be completed and forwarded to HRO along with a copy of the active duty orders.

c. Technicians accepting an AGR tour: Prior to entrance on an AGR tour, it is the supervisor's responsibility to insure ARNG technicians contact the Human resources Office and ANG technicians contact the Remote Designee. Technicians will be briefed and given the opportunity to elect (in writing) separation or LWOP upon entrance on active duty. Based on the technician's decision, a DMAIL 32 (for LWOP) or an SF 52 (for separation) must also be completed.

d. Technician being placed on active duty: It is the supervisor's responsibility to insure that prior to placement on active duty, the Human Resources Office is notified for ARNG technicians and the Remote Designee is notified for ANG technicians. The Human Resource Office or remote designee will provide a briefing and/or benefit counseling to those technicians going on active duty. A DMAIL FORM 32 (for LWOP) or and SF 52 (for separation) must be completed if any period of the absence for military duty is not covered by paid leave or the technician elects to cancel their FEHB.

1-20 RETURN TO TECHNICIAN DUTY AFTER PERFORMING ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

a. A technician may return to a technician pay status and use leave (military, LEL, etc.) prior to actually returning to a present-for-duty status.

b. Technicians are authorized five days/40 hours of excused absence upon release from active duty in support of Operation Iraqi Freedom, Operation Nobel Eagle, and Operation Enduring Freedom, or any other military operation subsequently established under Executive Order 13223.

(1) The five days must begin the effective date of the return to duty (pay status, not a present for duty status).

(2) The five days may not be used to perform military duty. The technician must be released from active duty or be in a terminal leave status (documentation is required).

(3) This is a once-in-a-lifetime benefit, regardless of the number of mobilizations.

(4) The five days or 40 hours must be used consecutively. Weekends and non workdays are not chargeable towards the five days/40 hours.

c. Once the technician notifies the supervisor of their intent to return to technician duty, it is the supervisor's responsibility to notify HRO (for ARNG technicians). The return to duty notice may be done through email. The return duty notice (or email) must include the following:

(1) Technician's name

(2) Date of release from active duty

(3) Date to be returned to technician's pay status, and

(4) Date technician will return to a present for duty status.

The supervisor should also send HRO the DD 214 along with documentation to reflect that the individual was on terminal leave (if applicable).

d. If the technician terminated his or her FEHB upon entrance on active duty, HRO will send a reinstatement form to the supervisor upon notification of return to duty.

(1) FEHB will not be reinstated until this form is completed and returned to HRO.

(2) Technician may delay reinstatement of FEHB until Transitional Tricare expires.



ESTIMATED EARNINGS DURING MILITARY SERVICE

INSTRUCTIONS: Use a separate RI 20-97 for each branch of service. Attach DD 214 or equivalent and any available records of pay or promotions. If you do not have a DD 214 or equivalent, obtain an SF 180 from your personnel office and have your service verified before forwarding this form to the pay center. The pay center cannot provide estimated earnings unless verification of service is attached.

To		Employee name (Last, First, Middle)				
		Other names used				
		Social Security Number	Date of birth			
		All military service numbers				
		Branch of Service				
Signature of requester		Relationship to employee <input type="checkbox"/> Employee is requester <input type="checkbox"/> Other (Specify) <input type="checkbox"/> Survivor				
Active military service after December 31, 1956 (Dates indicated below must be based on DD 214 or equivalent certification.)		TO BE COMPLETED BY AUTHORIZED OFFICIAL Estimated Earnings (Base Pay) (Do not provide estimated earnings for any period of service prior to January 1, 1957.)				
From (Mo, Dy, Yr)	To (Mo, Dy, Yr)	From (Mo, Dy, Yr)	To (Mo, Dy, Yr)	Rate of Basic Pay	Earnings	Type of Discharge
					\$	
					\$	
					\$	
					\$	
					\$	
1. If period of service began before and ended after December 31, 1956, enter date service actually began. (Mo, Dy, Yr)		2. Last time <input type="checkbox"/> None <input type="checkbox"/> Number of days _____ <input type="checkbox"/> Inclusive dates From (Mo, Dy, Yr) To (Mo, Dy, Yr) From (Mo, Dy, Yr) To (Mo, Dy, Yr)				
Signature of authorized official furnishing estimate		Date (Mo, Dy, Yr) Telephone number (including Area Code)				
Typed name of authorized official		Title of authorized official				

Requester's name and address

Return Completed Form to



Send the Request for Earnings During Military Service to the appropriate address shown below.

<u>Army</u>	DFAS-Indianapolis Center ATTN: DFAS-I-JEC-A Indianapolis, IN 46249-0865
<u>Navy</u>	Director DFAS-Cleveland Center-JJCS/FMCS Anthony J. Celebreeze Federal Building Cleveland, OH 44199-2055
<u>Air Force</u>	DFAS-DE/FJPBC 6760 East Irvington Place Denver, CO 80279-3000
<u>Marine Corps</u>	Director DFAS-Kansas City Center 1500 E. 95th Street Kansas City, MO 64197-0001
<u>Coast Guard</u>	Commanding Officer Settlements and Records U.S. Coast Guard Military Pay and Personnel Center 444 SE Quincy Street Topeka, KS 66683-3591
<u>Public Health Service</u>	Public Health Service Division of Commissioned Personnel Compensation Branch Parklawn Building, Room 4-50 5600 Fisher's Lane Rockville, MD 20857
<u>National Oceanic and Atmospheric Administration</u>	National Oceanic and Atmospheric Administration Department of Commerce Commissioned Personnel Office 11400 Rockville Pike, Room 105 Rockville, MD 20852

Reverse of RI 20-97